

No. 9/1/87-6 Lab./916.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/S K. K. & Company 212, Industrial Area, Panchkula (Ambala).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 86 of 1986

SHRI SATINDER KUMAR, S/O SHRI BILAS RAM, VILLAGE KUNDI P. O. PANCHKULLA (AMBALA) AND THE MANAGEMENT OF THE M/S K. K. & COMPANY, 212, INDUSTRIAL AREA, PANCHKULA (AMBALA).

Present :

None for workman.

Shri R. L. Chopra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Satinder Kumar, and M/s K. K. & Company 212, Industrial Area, Panchkula to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Satinder Kumar, is just and correct or whether he has abandoned his service of his own. If so to what relief is he entitled?”

Workman alleged that he had been working in the respondent-management as a Acid Dipper for the last three years. His services were terminated on 10th July, 1985 in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management appeared contested the dispute and contended that workman was appointed w. e. f. 8th July, 1983, he worked up to 10th July, 1985. Thereafter, he resigned and got his all the dues up to date. He is not entitled to the relief claimed for.

This reference was fixed for filing replication and issues for 19th December, 1986, but neither workman nor his authorised Representative appeared, so the reference is dismissed in default, while management was represented by Shri R. L. Chopra.

Dated, the 19th December, 1986.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Endorsement No. 3413, dated the 22nd December, 1986.

Forwarded (two copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6 Lab./917.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of the Messrs B. D. Viz, Proprietor, Suraj Theater, Sector-1, Panchkula (Ambala).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 174 of 1986

SHRI SOM PARKASH SHARMA, C/O SHRI J.K. JAIN, D.C.M. CLOTH HCUSE, AMBALA KALKA ROAD, OLD PANCHKULLA (AMBALA) AND THE MANAGEMENT OF THE MESSRS B.D. VIZ PROPRIETOR, SURAJ THEATOR SECTOR-1 PANCHKULLA (AMBALA)

Present:

None for workman.

Shri J. R. Sharma, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Som Parkash Sharma and Messrs B.D. Viz, Proprietor, Suraj Theater, Panchkula to this court. The terms of the reference are as under:

“Whether termination of services of Shri Som Parkash Sharma is just and correct, if not, to what relief is he entitled ?”

Workman alleged that he had been working in the respondent management since 28th January, 1985. His services were terminated on 28th March, 1986 in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

The reference was fixed for failing reply by the respondent management for 19th December, 1986. But today neither workman nor his Authorised Representative appeared, while management is represented by Shri Janak Raj Sharma, so the reference is dismissed in default.

V. P. CHAUDHARY,

Dated the 19th December, 1986.

Presiding Officer,
Labour Court, Ambala.

Endorsement. No. 3414, dated 22nd December, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala

No. 9/1/87-6Lab./919.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. G. M. Mohan Mekin Berari Ltd., Ambala Cantt.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 72 of 1986

SHRI BANDHAN SAHIB, S/O SHRI JAI RAM SAHIB, BANK ROAD, KOTHI NO.
113, AMBALA CANTT AND THE MANAGEMENT OF THE MESSRS G. M. MOHAN
MEKIN BERARI LTD., AMBALA CANTT

Present:—

None, for workman.

None, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Bandhan Sahib and Messrs General Manager, Mohan Mekin Ltd., Ambala Cantt. to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Bandhan Sahib was justified and in order, if not, to what relief is he entitled ?”

Workman through his demand notice alleged that he served the respondent-management continuously for three years as a Chowkidar. Thereafter, his services were terminated by the management illegally without issuing any notice, so he prayed that he be got reinstated with continuity in service and with full back wages. Notices were issued to parties. Neither workman nor respondent-management appeared. Respondent-management was served for 27th June, 1986 but it absented, so *ex parte* proceedings were taken up against the management. Many efforts were made to procure the presence of the workman but of no avail. In fact the workman could not be served the registered letter received back un-delivered with the report that on the given address workman is not available, so I am left with no other alternative but to file this reference. Accordingly it is filed.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

Endst. No. 3352, dated the 15th December, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

No. 9/1/87-6 Lab/920.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Charak Pharmaceutical India Pvt. Ltd., Jorasi Road, Pavti Village, G. T. Road, Smalkha, Karnal.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 177 of 1986

SHRI MODI KUMAR, C/O FACTORY WORKERS UNION, BIHOLI ROAD, SMALKHA, KARNAL AND THE MANAGEMENT OF THE MESSRS CHARAK PHARMACYCAL INDIA PVT. LTD., JORASI ROAD, PAVTI VILLAGE, G. T. ROAD, SMALKHA KARNAL.

Present :

Shri Jai Paul Singh, for workman.

Shri S. Kaushal, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947, referred dispute between Shri Modi Kumar, and Messrs Charak Pharmaceutical Pvt. Ltd., Jorasi Road, Pavti Village, Road G. T. Road Smalkha, Karnal to this Court. The terms of the reference are as under :—

Whether termination of services of Shri Modi Kumar, workman is just and correct; if not, to what relief is he entitled?

Workman alleged that he had been in the service of respondent-management for the last one year. His services were terminated on 1st February, 1985 without any notice and without getting conducting any inquiry against him. He alleged that termination of his service is unjust and illegal. He prayed for his reinstatement with continuity in service and with full back wages.

Notice was served upon the respondent-management. It appeared through Shri S. Kaushal, Shri Jai Paul Singh, Authorised Representative of workman made statement that workman has gone to some un-known place, so he does not want to with proceed this reference. It may be dismissed as withdrawn. In view of statement of Shri Jai Paul Singh, Authorised Representative of workman the reference is dismissed as withdrawn.

V. P. CHAUDHARY,

Dated the 11th December, 1986.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 3353, dated the 15th December, 1986.

Forwarded (Four Copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./923.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. (i) Secretary, Haryana State Electricity Board, Chandigarh (ii) Executive Engineer, Power House No. 4, Bhudkalan Colony, Yamuna Nagar :—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 139 of 1985

SHRI RAM KISHAN S/O SHRI MEHAR CHAND C/O LABOUR COLONY, YAMUNA NAGAR AND THE MANAGEMENT OF THE MESSRS SECRETARY HARYANA STATE ELECTRICITY BOARD, CHANDIGARH. (II) EXECUTIVE ENGINEER, POWER HOUSE NO. 4, BHUDKALAN COLONY, YAMUNA NAGAR

Present:

Shri Balbir Singh for workman.

Shri S. Bindra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—vide clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Ram Kishan and Messrs H.S.E.B. etc. to this court. The terms of the reference are as under:—

Whether termination of services of Shri Ram Kishan is just and correct; if not, to what relief is he entitled ?

Workman through his demand notice alleged that he had been in the service of respondent-management from Sept., 1981 as daily wages worker. His services were terminated in Nov., 1982 without issuing any notice in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that the reference is belated one, so it is not maintainable. Reference is bad for non-joinder of necessary parties. It was also contended that workman joined service of the respondent-management as daily rated worker w.e.f. 10th October, 1981 and worked as such up till 11th October, 1982. Thereafter, workman absented on 11th October, 1982 and did not resume duty. It was prayed that workman has suppressed the material facts, so his claim be rejected.

On the pleadings of the parties issues were framed. Reference was posted for workman evidence but Shri Balbir Singh, Authorised Representative of the workman failed to produce the workman. He made statement that whereabouts of workman are not known, so the reference may be filed. He will get it restored on the availability of the workman. Keeping in view of the prayer of

workman's A.R. the reference is filed with the direction that it shall be restored if the workman so like.

Dated, 17th December, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 3373, dated 18th December, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./924.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s K. K. and Company, 212, Industrial Area, Panchkula.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 44 of 1985

Misc. No. 10 of 1986

SHRI RAKESH RAI, WORKMAN AND THE MANAGEMENT OF M/S K. K. AND COMPANY, 212, INDUSTRIAL AREA, PANCHKULA

Present :

None for workman.

Shri R. L. Chopra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Rakesh Rai, and Messrs K. K. and Company, 212, Industrial Area, Panchkula to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Rakesh Rai, is just and correct; if not, to what relief is he entitled ?”

Workman Rakesh Rai alleged that he had been working as General Fitter in the employment of respondent and worked in that capacity for three years. On 28th June, 1984 his services were terminated in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management appeared contested the dispute refuted the contentions of respondent-management.

On the pleadings of the parties issues were framed. Evidence was recorded. The reference was fixed for arguments for 19th December, 1986, but neither workman nor his A.R. appeared, while management was represented by Shri R.L. Chopra. So reference is dismissed in default.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Dated, the 19th November, 1986.

Endorsement No. 3451, dated the 31st December, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./925.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the Workman and the Management of M/s. Technocrates Ltd., 233, Industrial Area, Panchkula, (Ambala).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Ref. No. 107 of 1985

Mise. No. 2 of 1986

SHRI DHARAM PAUL, SON OF SHRI RAM LAL SAINI AND THE MANAGEMENT OF THE MESSRS TECHNOCRATES LTD., 233, INDUSTRIAL AREA, PANCHKULLA (AMBALA)

Present :

None, for workman.

Shri R. L. Chopra for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Dharam Paul and Messrs Technocrates, Industrial Area, Panchkula to this Court. The terms of the reference are as under:—

Whether termination services of Shri Dharam Paul is just and correct, if not, to what relief is he entitled?

Shri Dharam Paul workman alleged that he was employed in the employment of respondent-management as a Turner for the last one year and one month. His services were terminated in utter violation of provisions of section 25(F) of Industrial Disputes Act, 1947. Respondent appeared, it refuted the claim of the workman.

On the pleadings of the parties issues were framed. Evidence was recorded. Case was fixed for arguments for 19th December, 1986 but neither workman nor his A.R. appeared; while respondent-management was represented by Shri R. L. Chopra, so reference is dismissed in default.

V. P. CHAUDHARY,

Dated the 19th December, 1986.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 3456, dated 31st December, 1986.

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./926.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s K. K. & Company, 212, H. M. T. Ancillary Units, Panchkula (Ambala).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 42 of 1985

Misc No. 12 of 1986

SHRI RAM SARUP, WORKMAN AND THE MANAGEMENT OF THE MESSRS K. K. & COMPANY, 212, H.M.T. ANCILIARY UNITS, PANCHKULA (AMBALA)

Present :

None, for workman.

Shri R. L. Chopra for respondent,

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of Industrial Disputes Act, 1947, referred dispute between Shri Ram Sarup and Messrs K. K. & Company, 212, HMT ancillary Units, Panchkulla, to this court. The terms of the reference are as under :—

“Whether termination of services of Shri Ram Sarup is just and correct, if not, to what relief is he entitled ?”

Workman alleged that he was in the service of respondent-management due his involvement in theft case. His services were terminated in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that the workman's claim is incorrect. He is not entitled to the relief claimed for.

On the pleadings of the parties issues were framed. Evidence was recorded. Reference was fixed for final arguments for 19th December, 1986. But neither workman nor his A. R. appeared, while Shri R. L. Chopra represented the management. So reference is dismissed in default.

V. P. CHAUDHARY,

Dated, the 19th December, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 3455, dated the 31st December, 1986

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/87-6Lab./928.—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s K.L. Steel, Ahuwala, Bilaspur Road, village Ahluwala, Sub. P. O. Jaroda, P. O. Jagadhri, district Ambala.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 287 of 1985

SHRI SINGASAN, S/O SHRI RAM AVTAR C/O Dr. SURINDER SHARMA, INTUC OFFICE, RLY. ROAD JAGADHRI AND THE MANAGEMENT OF THE MESSRS K.L. STEEL AHLUWALA, BILASPUR ROAD, VILLAGE AHLUWALA, SUB. P. O. JARODA, P. O. JAGADHRI, DISTRICT AMBALA

Present:—

Shri Surinder Sharma, for workman.

Shri S. Bindra, for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Singhasan and Messrs K. L. Steel, Jagadhri to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Singhasan is just and correct ? If not, to what relief is he entitled ?”

Workman alleged that he joined service of the respondent in the year 1981 as a Mistri. His services were terminated on 24th May, 1985 in violation of provision of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management contested the dispute and contended that the contentions of the workman are wrong and baseless. He was never in the service of the respondent-management. So termination of his services does not arise. It was prayed that the claim of the workman be dismissed.

On the pleadings of the parties issues were framed. Case was fixed for workman evidence. Many opportunities were afforded to workman to appear and also produce his evidence but he failed to do so. Today Shri Surinder Sharma made statement that he is unable to produce the workman in the witness box and his evidence. So the reference may be filed as and when the workman shall be available he will get the reference restored.

In view of submission made by Shri Surinder Sharma the reference is filed with the observations that the workman shall have an right to get it restored as and when he appeared, so with these observations the reference in question is filed.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 18th December, 1986.

Endst. No. 3407, dated the 22nd December, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab/929.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s B. R. Casting, Industrial Area, Yamuna Nagar:—

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 145 of 1986

SHRI RAM BABU S/O SHRI SADHU RAM C/O RAM BAROSHE, NEAR MOHAL LAL BHATHA, GANDHI NAGAR AND THE MANAGEMENT OF THE MESSRS B. R. CASTING, INDUSTRIAL AREA, YAMUNA NAGAR.

Present :

Shri Surinder Sharma, for workman.

Shri S. Bindra, for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Ram Babu and Messrs B.R. Casting, Industrial Area, Yamuna Nagar to this Court. The terms of the reference are as under :—

“Whether termination of services of Shri Ram Babu is just and correct, if not, to what relief is he entitled?”

Workman alleged that he joined service of respondent-management in the month of April, 1981 and he was marked in Kacha Register for two or three months. Thereafter, his services were regularised. Workman applied leave for 15 days from 27th March, 1986 to 10th April, 1986 but the respondent advised the workman to proceed on two months leave on account of slackness in the business and thereafter, the management promised to provide work to him. On that account he applied two months

leave from 27th March, 1986 to 28th May, 1986 which were duly sanctioned. When he reported for duty on 29 May, 1986 he was not joined and he was asked that he was no longer in the service of respondent management. He alleged that termination of his services is violative to provision of section 25 (F) of Industrial Disputes Act, 1947. He prayed of his reinstatement with continuity in service and with full back wages.

Management appeared contested the dispute and contended that applicant joined service of respondent on 1st July, 1983 as a temporary workman on a salary of Rs. 383 p.m. Rest of the contention of the workman were denied. It was also contended that applicant left the job of the management of his own. He was directed to report for duty immediately but he did not turn up. Registered letters were written to him but in spite of that applicant did not resume duty, so it was prayed that there is no termination of services of workman by the management. The claim is false and baseless.

On the pleadings of the parties issues were framed. Reference was fixed for workman evidence but workman did not appear to support his claim on oath while Shri Subhash Bindra gave an offer that management is willing to take the workman on duty on the old terms and conditions of service. Shri Sudhesh Sharma, Authorised Representative of the workman made statement that whereabouts of workman are not known as and when the workman will be available, he shall despatch him to the management for joining the service of respondent.

In view of the above circumstances the reference is filed with the observations that as soon as the workman appears he shall report for duty to the respondent-management. Within a month in the default of the same. He shall have no claim against the management. Accordingly the reference is filed.

Dated the 18th December, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 3408, dated the 22nd December, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to, Govt., Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab./1161.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Secretary, Korara Co-op. Credit Service Society, Ltd., Korara, Kurukshetra.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 224 of 1986

between

SHRI ROOP KUMAR, SON OF SHRI RAGHU NANDAN, C/O TRADE UNION COUNCIL, PATAL (PUNJAB) AND THE MANAGEMENT OF THE MESSRS SECRETARY, KORARA CO-OP. CREDIT SERVICE SOCIETY LTD., KORARA, KURUKSHETRA

Present :

Shri Roop Kumar workman in person.

Shri Dant Singh for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of Industrial Disputes Act, 1947 referred dispute between Shri Roop Kumar and Messrs Korara Co-op. Credit Service Society Ltd., Korara to this court. The terms of the reference are as under.

“Whether termination of services of Shri Roop Kumar is justified and correct, if not, to what relief is he entitled ?”

Workman through his demand notice alleged that he had been in the service of respondent-management for the last seven years as a Clerk-cum-Salesman. His services were terminated in violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management appeared sought date for filing reply and the reference was fixed for 13th January, 1986. Workman appeared in person. Respondent was represented by Shri Diant Singh, workman moved an application, he does not want to pursue his case because D. R. has assured to reinstate him in the appeal which is pending before him. Similar statement was made by him on oath. In view of the above circumstances prayer of the workman is allowed to withdraw this reference, so the reference is dismissed as withdrawn.

V. P. CHAUDHARY,

Dated, the 13th January, 1987.

• Presiding Officer,
Labour Court, Ambala.

Endorsement No. 117, dated the 16th January, 1987.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/1/87-6Lab/1162.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Jai Sons Metal Industries, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 80 of 1986

between

SHRI DHARAM PAUL, WORKMAN, SON OF SHRI MEHAR SINGH C/O DR. SURINDER SHARMA, INTUC OFFICE, RAILWAY ROAD, JAGADHRI AND THE MANAGEMENT OF THE MESSRS JAI SONS METAL INDUSTRIES, JAGADHRI

Present :

None for the workman.

None for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred dispute between Shri Dharam Paul and Messrs Jai Sons Metal Industries, Jagadhri to this Court. The terms of the reference are as under :—

Whether the termination of services of Shri Dharm Paul is justified and correct ? If not, to what relief is he entitled ?

Shri Dharam Paul, workman through his demand notice dated 22nd November, 1985 alleged that he served the respondent-management as a Leith man for five years. His services were terminated on 3rd June, 1985 in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management was served for 4th September, 1986. But neither respondent nor its representative appeared, so respondent-management was proceeded *ex parte*. Reference was posted for workman *ex parte* evidence for 8th January, 1987. Workman absented, did not appear in support of his case. Shri Surinder Sharma, Authorised Representative of workman was present in the corridor of the court but he did not respond the call of this case. So this reference is dismissed in default.

V. P. CHAUDHARY,

Dated, the 8th January, 1987.

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 107, dated the 16th January, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

The 16th December, 1986

No. 9/9/86-6Lab./10150.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of the Executive Engineer, Haryana Urban Development Authority, Div. No. III, Sub-Div. No. 12, Sector 9, Faridabad.

BEFORE SHRI S. B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 78/1984

between

SHRI YAMIN WORKMAN C/O BABU KHAN NEAR MASJID JAWAHAR COLONY N.I.T. FARIDABAD AND THE MANAGEMENT OF THE EXECUTIVE ENGINEER, HARYANA URBAN DEVELOPMENT AUTHORITY DIVISION NO. III, SUB-DIVISION NO. 12 SECTOR-9, FARIDABAD

Present—

Shri M. R. Bhandari for the workman.

Shri H. L. Pathak, S.D.O. HUDA for the Management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Yamin, workman and the management of the Executive Engineer, Haryana Urban Development Authority, Division No. III, Sub-Division No. 12, Sector 9, Faridabad to this Tribunal for Adjudication :—

Whether the termination of service of Shri Yamin was justified and in order ? If not, to what relief is he entitled ?

2. After receipt of order of reference, the notices were issued to the parties. The parties appeared. The case of the petitioner is that he was appointed a Carpenter on 21st March, 1980 and was drawing salary of

Rs. 635 per month. His record of service was without blemish. His services were terminated on 1st December, 1983 without any reason and compliance with the provisions of Section 25-F of the Industrial Disputes Act, 1947. He prayed for reinstatement with all back wages.

3. In the written statement the respondent took the plea that the applicant was a daily wage labourer and that he was employed for specific work which was over by 30th November, 1983 and thus there was no justification to continue him in service after that date. Beside this pleas were taken that the applicant does not come under the definition of 'workman', and Haryana Urban Development Authority does not fall within the definition of 'industry' and that the applicant has no *locus standie*. The plea was also taken that the application is bad for 'mis-joinder' and 'non-joinder' of necessary parties.

4. The petitioner controverted the stand of the respondent in his replication.

5. On the pleadings of the parties, the following issues were framed by my predecessor Shri R.N. Batra :—

A. (1) Whether the claimant is not covered by the definition of workman as pleaded ? OPM

(2) Whether the respondent is not an industry as pleaded ? OPM

(3) Whether the claimant has no *locus standie* to file the present petition ? OPM

(4) Whether the claimant has no cause of action to file application ? OPM

Y S/ I.C.U. (5) Whether the petitioner is bad for mis-joinder non joinder of the necessary parties as pleaded ? OPM

(6) Whether the claimant was a daily wages labourers as pleaded ? OPM

(7) Whether the termination of service of Shri Yamin was justified and in order ? If not, to what relief is he entitled ?

6. I have heard Shri M.K. Bhandari learned Authorised Representative of the workman and Shri H.L. Pathak, S.D.O. Haryana Urban Development Authority for the Management and gone through the entire record. My findings on the aforesaid issues are as under :—

Issue No. 1

7. The petitioner was employed as a Carpenter in Haryana Urban Development Authority. He clearly falls within definition of the workman as defined under Section 2(S) of the Industrial Disputes Act, 1947. The issue is answered against the Management.

Issue No. 2

8. In view of the guide lines mentioned in case of Bangalore Water Supply and Sewerage Board, Etc. etc and a. Rajappa and others, ctc. etc. 1978 I.LLJ. page 349, wherein Hon'ble Supreme Court of India has given widest amplitude to the term 'industry' as defined in Section 2(j) of the Industrial Disputes Act, 1947, this issue was not pressed on behalf of the respondent.

Issues No. 3, 4 and 5

9. These issues were also not pressed and have been decided against the respondent.

Issues No. 6 and 7

10. Both these issues are inter-connected and can be discussed together. In this case the petitioner was employed on 21st March, 1980 as Carpenter with the respondent and he worked as Labourer till 30th November, 1983. There is no dispute on this aspect. Thus it is apparent that the petitioner had worked for more than 240 days during the last 12 calendar months.

11. The Management's plea is that his services were terminated because there was no work or job to be provided to him. It is true that the Management can retrench the employee on account of reduction in the volume of work but this can only be done after compliance with the provisions of Section 25-F of the Industrial Disputes Act 1947. In the instant case, the mandatory provisions of Section 25-F of the Industrial Disputes Act were not complied with. Non-compliance with the provisions of Section 25-F of the Act render the action of the respondent illegal and void.

12. It was contended that the petitioner was a daily wage labourer and as such he was not entitled to the benefits of provisions of Section 25-F of the Industrial Disputes Act, 1947. This argument has got no merit. The provisions of section 25-F are to be complied with even in case of daily wage worker who had completed more than 240 days in service. In case of H.D. Singh and Reserve Bank of India, 1985, Lab. I.C. page 1733, the Hon'ble Supreme Court has observed that even a daily wage worker cannot be thrown out from the employment in case he had worked for 240 days during the last 12 calender months without compliance of the provisions of Section 25-F of the Act. The action of the Management is not allowing the petitioner to work with the intent to terminate it within the meaning of Section 2(00). Such termination of services has been effected in violation of the mandatory provision contained in Section 25-F of the Industrial Disputes Act and is thus invalid. Both these issues are answered against the Management.

13. Consequently it is held that termination of services of Shri Yamin was not justified and in order and the petitioner is thus entitled to be reinstated with continuity of service and all back wages. There shall be no order as to costs. The reference is answered accordingly.

Dated the 25th October, 1986.

S. B. AHUJA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Ends. No. 676, dated the 31st October, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

S. B. AHUJA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6-Lab/10453.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s East India Cotton Manufacturing Co., Ltd., N.I.T., Faridabad.

BEFORE SHRI S. B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 471/1983

between

SHRI RAM SARUP SALWAN (DEAD) NOW REPRESENTED BY SHRI SCM DUTT, OM DUTT
AND SMT. SUBHASH RANI, C/o BHARTIYA MAZDCCR SANGH, VISHWAKARMA BHAWAN,
FARIDABAD AND THE MANAGEMENT OF M/s EAST INDIA COTTON MANUFACTURING
CO., LTD., N.I.T., FARIDABAD

Present :—

Shri Jaswant Singh, A. R. for the Management.

Shri S.M. Sharma A.R. for the workmar.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section (10) of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following Industrial dispute between Shri Ram Sarup Salwan and the Management of M/s East India Cotton Manufacturing Company, Ltd., N.I.T., Faridabad to this Tribunal for adjudication:—

whether the termination of services of Shri Ram Sarup Salwan was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of order of reference, notices were issued to parties. The parties appeared.

3. Claimant's case is that he was employed as Clerk on 11th July, 1956 and thereafter his services were placed on deputation at the disposal of the Textiles Consumer Store in the year 1973. The Store is under the direct control of the Management M/s East India Cotton Manufacturing Company Ltd. The workman had alleged that he took active part in trade union activities which annoyed the Management and they got a false case of theft registered against him and closed the store from 21st September, 1982 to 29th September, 1982. The Management also obtained from him a resignation letter on 30 September, 1982 under pressure, threat and coercion in connivance with the police and delivered a cheque of Rs. 8,307-70 paise to him. He prayed that he be reinstated in service with all back wages.

4. The Management controverted the stand of the petitioner. It was pleaded that Ram Sarup Salwan ceased to be an employee of the Management of M/S East Indian Cotton Manufacturing Co.; Ltd. on his joining of Textiles Consumer store in 1973 and that the said Store has separate legal entity. There was thus no relationship of master and servant between the parties. It was also pleaded that the claimant has resigned of his own accord and on acceptance of resignation by Textile Consumer Store, he had accepted all his settlement dues and that there is no truth in the allegation levelled by the complainant in nut shell, it was pleaded that it was not a case of termination but it was simple case of resignation.

5. On the pleadings of the parties, the following issues were settled by Shri R.N. Batra, my predecessor :—

- (1) Whether the claimant had resigned of his own accord as pleaded ? OPM
- (2) Whether there was no relationship of master and servant between the parties in September, 1982 as pleaded ? OPM
- (3) Whether the termination of services of Shri Ram Sarup Salwan was justified and in order ? if not to what relief is he entitled ? OPM

6. During the pendency of the reference Shri Ram Sarup Salwan died on 10th April, 1985 and his legal representatives were duly brought on the record.

7. I have heard learned Shri S.N. Sharma Authorised Representative of the workman and Shri Jaswant Singh learned authorised Representative alongwith Miss M. Siddiqui for the Management and gone through the record. My findings on the aforesaid issues are as under :—

8. Issue No. 1.—Som Dutt WW-I is the son of deceased Ram Sarup Salwan. He has deposed that his father took part in trade union activities and the company asked his father for not taking part in union activities, but his father did not agree. He stated that a false theft case was got registered by the company against his father. Whereupon the police harassed his father and arrested him. His father was taken to East India Cotton Manufacturing Company and he was beaten there and thereafter his signatures were obtained on resignation letter and on voucher under duress and coercion in the presence of Shri O.P. Auhja. A cheque worth Rs. 8,307-70 paise was also delivered to his father.

9. On contrary, Shri Om Parkash MW-I stated that Ram Sarup Salwan worked in the Textiles Consumer Store and East India Cotton Manufacturing Company did not interfere in the affairs of Consumer Store.

10. On the perusal of the aforesaid evidence it is clear that there is sole testimony of Som Dutt son of the deceased to establish that resignation letter was obtained from his father under duress and pressure by the Police. The version given by Shri Som Dutt hardly inspires any confidence. It cannot be believed that the Management forced Ram Sarup Salwan to resign and accept the cheque. According to the case of the workman, the resignation letter was obtained from him on 30th September, 1982, but he remained silent for about four months. It was for the first time in the demand notice dated 20th January, 1983, the workman came with the story of resignation letter having been obtained from him under duress and coercion. It was after lapse of four months that the workman came with his version in the demand notice. He did not send any complaint to higher authorities. It is admitted by Shri Som Dutt WW-I in his cross-examination that no complaint was made to higher authorities. Ram Sarup Salwan was active trade union worker. Had the Management obtained his signatures on resignation letter under coercion with the help of police, he would not have kept silent for about four months. The Union itself would have taken up his case. It is also worth mentioning that Ram Sarup got the amount of cheque of Rs. 8307.70 paise encashed. These aspect also reveal that submission of resignation was genuine affair.

10. In view of above discussion, I find that there is no truth in the allegation levelled by the complainant. Hence I hold that Ram Sarup Salwan has resigned of his own accord. The issue is answered in favour of the respondent-management.

Issue No. 2.

11. The services of Ram Sarup Salwan were given on deputation to Textiles Consumer Store with effect from 1st March, 1973,—*vide* letter Ex. W-I issued by East India Cotton Manufacturing Company. It is stipulated in the letter Ex. W-I that it shall be obligatory on the company to accommodate Mr. Salwan on appropriate job, in case his services are no more required in the Consumer Store. This letter Ex. W-I has been proved by Som Dutt WW-I son of the deceased. This letter clearly shows that Ram Sarup Salwan never ceased to be an employee of East India Cotton Manufacturing Company Ltd. The oral statement of Om Parkash MW-I that East India Cotton Manufacturing Company has nothing to do with the consumer store has no value. More fact that Coop. Consumer store has separate legal entity will make no difference because Ram Sarup was initially an employee of M/s East India Cotton Manufacturing Company Ltd., and continued to be so even after his services were placed on deputation with the consumer store. That apart there is testimony of Som Dutt WW-I and Ram Avtar WW-2 to show that Coop. Consumer Store is under the Company and a part of the Company. Hence I hold that Ram Sarup was an employee of the company. This issue is answered against the Management.

Issue No. 3.

12. Ram Sarup Salwan having resigned of his own accord, there is no question of termination of his services. The issue is answered accordingly.

13. In the result I hold that Ram Sarup Salwan deceased who is represented by legal heirs, is not entitled to any relief. The award is passed accordingly.

Dated, 25th October, 1986

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 679, dated 31st October, 1986

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab./10454.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial tribunal, Faridabad in respect of the dispute between the Workman and the management of M/s Assex Farm Pvt. Ltd., Kundli, Sonepat.

BEFORE SHRI S.B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD.

Reference No. 208/1983.

Between

THE MANAGEMENT OF M/S ASSEX FARM PVT. LTD., KUNDLI, SONEPAT AND THE WORKMEN
C/O SECRETARY ASSEX POULTRY FARMS WORKERS UNION (CITU), SONEPAT.

Present:—Shri Hawa Singh A.R. for the workman.
Shri B.B. Mahajan A.R. for the Management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section-10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following industrial dispute between the Management of M/s Assex Farms Pvt. Ltd., Kundli, Sonepat and the workmen C/o Secretary Assex Poultry Farm Workers Union (CITU), Sonepat to this Tribunal for adjudication :—

- (1) Whether the workmen are entitled to the supply of Uniforms and washing allowance? If so with what details?

(2) Whether the workmen are entitled to the supply of shoes? If so, with what details?

2. On receipt of the order of reference, notices were issued to both the parties. Parties appeared. The case of the workman as set up in the claim statement is that the Management used to give them two uniforms every year but now it had stopped. They also pleaded that the Management also used to give shoes to the workmen but they now stopped to them shoes. They alleged that the Management cannot withdraw the benefits and prayed that the Management be directed to supply them uniforms and shoes.

3. The claim is contested by the Management. It was pleaded that the Management never gave uniforms and shoes in past to the workmen and as such question of withdrawing these benefits does not arise. The workmen had raised the charter of demand dated 9th July, 1982 with the Management which contained a number of demand including the demand for uniforms and shoes. The workman also filed to the claim before the Authority under Minimum Wages Act at Sonepat. During the pendency of the claim, the parties entered into settlement on 18th February, 1983 and it was agreed in that settlement that the workers will not raise any demand involving financial repercussions for a period of one year. It was also pleaded that the Management had stopped its operation at Kundli farm due to financial losses since June, 1984 and only two Chowkidars and three administrative members are working in the farms. It was also pleaded that the demand raised by the Union are unjustified and the plea was also taken that the matter has not been properly espoused by the appreciable number of the workmen of their establishment and as such the present claim is not maintainable.

4. On the pleadings of the parties, the following issues were settled by my predecessor :—

- (1) Whether the workmen are entitled to the supply of uniforms and washing allowance? If so, with what details? OPW
- (2) Whether the workmen are entitled to the supply of shoes? If so, with what details? OPW
- (3) Whether the parties had entered into settlement dated 18th February, 1983? If so, to what effect? OPM
- (4) Whether the present dispute has been espoused by substantial number of workmen as pleaded? OPW

I have heard learned Shri Hawa Singh Secretary on behalf of the workmen and Shri B.B. Mahajan learned Authorised Representative for the Management. My findings on the aforesaid issues are as under :—

Issues No. 1 and 2

6. Both these issues are interconnected and would be discussed together. Shri Budhi Raj WW-1 testified that he used to work at Kundli farm of the respondent and that uniforms and shoes used to be supplied to them at that time. He stated that the respondent has now stopped issuing the same. He further stated that he had been transferred from Kundli farm to Bahalgarh farm which was also under the control of the respondent Management. He is President of Assex Poultry Farms Workers Union.

7. On the contrary the respondent Management examined Ghanshyam Singh Supervisor MW-1. He deposed that he was working with the respondent factory since 1966 and that respondent was engaged in the slanting of chickens besides maintenance of poultry farms. He also stated that farms was closed in 1983 and no work is being done at kundli farm. He stated that only three workers including supervisor are working at the farm. He also deposed that the workers were never provided uniforms and shoes by the Management in the past.

8. It is well established that such benefits are to be allowed on industry cum region basis having regard to the financial capacity of the Management. The workmen have not adduced evidence to show that such type of benefits are being allowed by other comparable unit in the region. The plea taken by them in the claim statement that such benefits used to be allowed in the past is in consistence with the plea taken by them in the demand notice dated 9th July, 1982 Ex. M-1. In the said charter of demands Ex. M-1 the plea was that the Management has given oral assurance for supplying of uniforms and washing allowance, but not the plea in the claim statement is that the management used to supply uniforms and shoes in the past but now the management has withdrawn these facilities and benefit. The inconsistence stand taken by the workmen shows falsify of their claim. It was necessary on the part of the workmen to show by cogent evidence that similar type of benefits are being allowed by other concerns but they have not done so. That apart, farm at Kundli has since been closed and only three persons are working there to lookafter their business. Thus there is no justification to allow benefit of uniforms and washing allowance and shoes to the workers particularly when the farm at Kundli has since been closed.

9. In the result I hold that the workmen are not entitled to the uniforms, washing allowance and shoes as demanded by them. The issues are answered against them.

Issue No. 3

10. The workers has raised charter of demand by serving demand notice Ex. M-1. The demand notice is dated 9th July, 1982. They also filed claim before the Authority under minimum wages Act, Sonepat. During the pendency of said claim the parties entered in to compromise. The workmen were allowed increase in wages and demand notice dated 9th July, 1982 was withdrawn by them and it was also mentioned there in that workmen will not raise any demand involving financial liabilities on the management for one year. This settlement is Ex. M-2 (photostat copy). Budhi Parshad WW-1 President of Workers Union has admitted in cross examination that he had also signed on the settlement copy of which is Ex. M-2. In view of the settlement arrived at between the management and its workmen, the workmen can not be allowed to raise these demands. There is ample authority for the proposition that if a matter is covered by the settlement, then, during currency of that settlement no reference can be made— See *Atlas Cycle Industries Ltd., Sonepat and Industrial Tribunal, Haryana and others, 1973-I-LLJ page-182*. Under these circumstances, I hold that in view of the settlement dated 18th February, 1983 between the parties, the present reference is not maintainable. The issue is answered in favour of the Management.

Issue No. 4

11. The learned Authorised representative of the Management contended that the matter had not been validly espoused by the appreciable number of the workmen of the respondent's establishment. His contention was that the minute book or resolution whereby the workmen have authorised the office bearers of the union to raise the demands has not been produced and in the absence of any material evidence it cannot be said that the Union had validly sponsored these demands. There is ample merit in his contention. In case of *Depak Industries Limited and another Versus State of West Bengal and others 1975-I-LLJ page 293* (Calcutta High Court), it was observed that when the dispute is sponsored or espoused by a Union, it seems to have been uniformly held by the Judicial decisions that when the authority of the Union is challenged by the employer, it must be proved that the Union has been duly authorised either by a resolution by its members or otherwise that it has the authority to represent the workmen whose cause it is espousing.

12. Budhi Parshad WW-1 is the President of Assex Poultry farms which is registered one as claimed by him. He is the only witness examined by the workmen. He stated in his cross examination that meeting of the union was held before giving demand notice but he had not brought minute book or resolution. As the employer had taken objection, it was incumbent on the Union to produce material and documentary evidence to show that it had requisite authority to represent substantial number of workmen. They had not produced documentary evidence to show that any resolution was passed by the workmen to raise these demands. In the absence of any material evidence, either resolution of members or authorisation by substantial number of them, it cannot be said that the Union had authority to represent all the workmen of the respondent Establishment. Thus I hold that the matter has not been properly and validly espoused by substantial number of workmen of the establishment. The issue is answered in favour of the respondent.

13. In view of my findings on the aforesaid issues the workmen are not entitled to any relief. The parties are left to bear their own costs. The reference is answered accordingly.

S. B. AHUJA,

Dated 25th October, 1986.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 678, dated 31st October, 1986.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

S. B. AHUJA.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.